

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION**

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ARNEZZ STEWART, )  
                        )  
Plaintiff,           )  
                        )  
v.                     )      **Case No. 2:22-cv-02480-JTF-tmp**  
                        )  
CONN APPLIANCES, INC. )  
                        )  
Defendant.           )

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**ORDER ADOPTING MAGISTRATE JUDGE'S  
REPORT AND RECOMMENDATION TO COMPEL ARBITRATION AND DISMISS  
CASE WITHOUT PREJUDICE**

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Before the Court is Defendant Conn Appliance's Motion to Compel Arbitration, filed on August 11, 2022. (ECF No. 8.) After screening Plaintiff's complaint under 28 U.S.C. § 1915(e)(2), Chief Magistrate Judge Tu M. Pham entered a Report and Recommendation ("R. & R.") on October 20, 2022, advising the Court to grant the Motion to Compel and dismiss Plaintiff's complaint without prejudice. (ECF No. 15.) Plaintiff filed no objections and his time to do so has passed. *See* 28 U.S.C. § 636(b)(1); LR 72.1(g)(2) (objections must be filed within fourteen (14) days after being served a copy of the R. & R.). For the following reasons, the R & R should be **ADOPTED**, Defendant's Motion to Compel shall be **GRANTED**, and Plaintiff's claims **DISMISSED** without prejudice.

Congress passed 28 U.S.C. § 636(b) "to relieve some of the burden on the federal courts by permitting the assignment of certain district court duties to magistrates." *United States v. Curtis*, 237 F.3d 598, 602 (6th Cir. 2001). Pursuant to the provision, magistrate judges may hear and determine any pretrial matter pending before the Court, except various dispositive motions. 28

U.S.C. § 636(b)(1)(A). Upon hearing a pending matter, “the magistrate judge must enter a recommended disposition, including, if appropriate, proposed findings of fact.” Fed. R. Civ. P. 72(b)(1); *see also Baker v. Peterson*, 67 F. App’x 308, 310 (6th Cir. 2003). Any party who disagrees with a magistrate’s proposed findings and recommendation may file written objections to the report and recommendation. Fed. R. Civ. P. 72(b)(2). However, “[w]hen no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Fed. R. Civ. P. 72(b) advisory committee notes. The district court is not required to review, and indeed “should adopt[,] the findings and rulings of the Magistrate Judge to which no specific objection is filed.” *Brown v. Bd. of Educ. of Shelby Cty. Sch.*, 47 F. Supp. 3d 665, 674 (W.D. Tenn. 2014) (citing *Thomas v. Arn*, 474 U.S. 140, 149 (1985)).

Here, the Chief Magistrate Judge found that Defendant’s Motion to Compel Arbitration shall be granted in order to enforce the arbitration agreement between the parties. (ECF No. 15, 12.) As noted, Plaintiff has failed to file any objections to the R&R. After review of the record, the Court is satisfied that there is no clear error, and the Court agrees with the Chief Magistrate Judge that the Motion to Compel should be granted. *Brown*, 47 F. Supp. 3d at 674.

### **CONCLUSION**

In the absence of any party objections and having satisfied itself that there is no clear error on the face of the record, the Court hereby **ADOPTS** the Chief Magistrate Judge’s Report and Recommendation to Compel Arbitration and **DISMISSES** Plaintiff’s complaint without prejudice. The Court **CERTIFIES** that Plaintiff may not appeal the determination herein *in forma pauperis*.

**IT IS SO ORDERED** this 4th day of November, 2022.

s/John T. Fowlkes, Jr.  
JOHN T. FOWLKES, JR.  
United States District Judge